

Exhibit D

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF NEW YORK

If XOOM charged you a variable rate for electricity or natural gas in New York, you could be included in a Class Action Lawsuit

*A federal court authorized sending this Notice. It is not a solicitation from a lawyer. **You are not being sued.***

- Please read this Notice carefully as it discusses your rights and provides you with information regarding a class action lawsuit against XOOM Energy, LLC and XOOM Energy New York, LLC (“XOOM”).
- A court has certified a lawsuit against XOOM as a class action. The Class includes all XOOM residential or small commercial customers who were charged a variable rate for electricity or natural gas under specific contract language at a service address in New York from January 1, 2013 through the present.
- The lawsuit alleges that XOOM overcharged the Class for electricity and natural gas in violation of its contracts. XOOM denies the allegations.
- The Court has not determined who is right. The Court will schedule a trial to decide if XOOM violated its contracts with customers and if so, whether any money is owed to the Class. There is no money available now and no guarantee that there will be in the future.
- Your rights and options—and the deadlines to exercise them—are explained in more detail in this Notice.

YOUR LEGAL RIGHTS AND OPTIONS IN THIS LAWSUIT	
DO NOTHING	<p>Stay in this lawsuit. Await the outcome. Share in money or other benefits that may become available.</p> <p>By staying in the lawsuit, you keep the possibility of recovering money that may result from a trial or settlement. But you give up any rights to sue XOOM on your own for the same legal claims in this lawsuit.</p>
EXCLUDE YOURSELF	<p>Do not participate in this lawsuit. Do not share in any benefits from it.</p> <p>If you ask to be excluded from the lawsuit, and if any money later becomes available through judgment or settlement, you won’t be eligible to share in it. But you can keep any rights to sue XOOM on your own about the same legal claims in this lawsuit.</p> <p>The deadline to exclude yourself from the lawsuit is XXXX, 2023.</p>

Questions? Call **1-XXX-XXX-XXXX** or visit **www.[website].com**

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BASIC INFORMATION

1. Why did I get this Notice?

You received this Notice because the company's records show that you were a XOOM customer in New York between January 1, 2013 and the present and according to XOOM's records you were charged at least one variable rate under the contract pricing term at issue in this lawsuit.

You were sent this Notice because you have the right to know that a Federal Court in New York has "certified" this lawsuit as a Class Action and that you are included in the Class. This means that the lawsuit meets the requirements for class actions and is set to proceed on a group basis. It does not mean the Court has determined who is right or who will win. This Notice explains the lawsuit and your legal rights.

2. What is this lawsuit about?

This class action lawsuit claims that XOOM overcharged New York customers for variable-rate electricity and natural gas in violation of specific contract language. XOOM denies any wrongdoing.

The Court has certified this case as a class action. The Court has not determined who is right or whether either side "won." Plaintiffs will have to prove their claims in Court.

Judge Allyne Ross of the United States District Court for the Eastern District of New York is overseeing this case. The case is formally known as *Mirkin v. XOOM Energy, LLC et al.*, No. 18-CV-2949 (ARR) (RER). A copy of the Complaint filed by Plaintiff is available at [www.\[website\].com](http://www.[website].com).

3. Why is this a class action?

In this class action, the Class Representative Plaintiff (Susanna Mirkin) sues on behalf of people who she believes have similar claims (the "Class Members"). The case is brought as a class action because Plaintiff believes it is more efficient to pursue all Class Members' claims in one lawsuit.

4. What are Plaintiffs asking for?

Plaintiffs are asking for money from XOOM for the alleged overcharges for the Class.

WHO IS INCLUDED IN THE LAWSUIT?

5. Who is part of the Class?

The Class includes XOOM residential or small commercial customers in the State of New York who were charged a variable rate for electricity or natural gas under specific contract language from January 1, 2013 to the present.

The full Class definition is included in the Court's Certification Order, available at [www.\[website\].com](http://www.[website].com).

6. How can I be sure if I am included?

If you are not sure whether you are included in the lawsuit, you may call 1-XXX-XXX-XXXX with questions or visit [www.\[website\].com](http://www.[website].com). You may also send questions to the Notice Administrator at c/o [admin address], or via email at [admin email].

7. Is there any money available now?

No money is available now because the Court has not yet decided whether XOOM did anything wrong, and the two sides have not settled the case. Plaintiffs are asking for money. XOOM denies that any money is owed. There is no guarantee that money will ever be obtained.

YOUR RIGHTS AND OPTIONS

As a Class Member, you have a choice whether to remain in the Class and be represented by the Class Representative and Class Counsel, or to exclude yourself. Either choice will have legal consequences, which you should understand before making your decision.

8. What happens if I do nothing?

If you do nothing you will automatically remain in the Class and share in any money or other benefits awarded to the Class after a trial or settlement. You will be legally bound by all Court orders (including any judgment entered for or against the Class or any future settlement), which means you won't be able to sue, or continue to sue, XOOM about the same legal claims in this case.

9. What if I don't want to be part of the Class?

If you decide not to participate in the lawsuit, you must exclude yourself from the Class. If you exclude yourself, you will not receive any money that may result from this lawsuit. You will not be bound by any Court orders and you will keep any rights to sue XOOM on your own regarding the legal claims in this case.

To exclude yourself from the Class, you must send an email or mail a letter stating that you want to exclude yourself from the Class to the Notice Administrator at [admin email] or:

[admin address]

Your email or letter must also include:

- Your full name, current address, and telephone number, and
- A statement that you want to be excluded from the Class and indicating that you are excluding yourself from the lawsuit (e.g., "I/we hereby request that I/we be excluded from the Class in the *Mirkin v. XOOM Energy, LLC* litigation and receive none of the money or benefits of the trial.").

You **must** send your email or mail your letter postmarked by [DATE], 2023. This will be the only opportunity you will have to exclude yourself from the Class.

10. If I don't exclude myself, can I sue later?

No. Unless you exclude yourself now, you give up any right to sue XOOM for the same claims in this lawsuit.

THE LAWYERS REPRESENTING YOU

11. Who is Class Counsel?

The Court has appointed Wittels McInturff Palikovic as Class Counsel to represent you and the other Class Members. Their contact information is below:

Wittels McInturff Palikovic
305 Broadway, 7th Floor
New York, NY 10007
Telephone: 914 775 8862
Facsimile: 914 775 8862
Email: case@wittelslaw.com

If you want to be represented by another lawyer, you may hire one to appear in Court for you at your own expense.

12. How will Class Counsel be paid?

You do not have to pay Class Counsel. Class Counsel will seek an award of fees and reimbursement of costs from the Court, to be paid out of the recoveries made by Class Members, if any.

WHAT'S HAPPENING IN THE CASE

13. Will there be a trial?

Yes. The Judge has denied XOOM's motion to dismiss this case on summary judgment, which means that there will be a trial to decide whether XOOM overcharged its customers for electricity or gas. If the case is not settled, Plaintiffs will introduce evidence to prove their claim at a trial that will take place at the United States District Court for the Eastern District of New York, 225 Cadman Plaza East, Brooklyn, New York 11201. XOOM will also have an opportunity to introduce evidence in its defense. Please check [www.\[website\].com](http://www.[website].com) or call 1-XXX-XXX-XXXX to be kept up-to-date on the date, time, and location of the trial.

If you do not exclude yourself from the Class, and if Plaintiffs win at trial, you may be eligible to recover money from XOOM.

If the case settles before trial, and a settlement fund is created for the Class, you may be eligible to recover money from the settlement. If this happens, you will be notified.

Important information about the case will be posted on the website, [www.\[website\].com](http://www.[website].com), as it becomes available.

Questions? Call 1-XXX-XXX-XXXX or visit [www.\[website\].com](http://www.[website].com)

GETTING MORE INFORMATION

14. How do I get more information about the Lawsuit?

This Notice summarizes the lawsuit. You can get a copy of the complaint and other important information about the lawsuit at [www.\[website\].com](http://www.[website].com). You may also contact the Notice Administrator directly if you have any questions. Before doing so, however, please read this Notice carefully.

[administrator address/contact info]

PLEASE DO NOT CONTACT THE CLERK OF THE COURT, THE JUDGE, OR XOOM WITH INQUIRIES ABOUT THE CASE. INSTEAD, PLEASE DIRECT ANY INQUIRIES TO THE CONTACTS LISTED ABOVE.

Questions? Call **1-XXX-XXX-XXXX** or visit [www.\[website\].com](http://www.[website].com)